"UNDER SEAL"

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION FILED CHARLOTTE, N. C. MAY J. 6 2006

W. DIST. OF N. C.

UNITED STATES OF AMERICA)	DOCKET NO. 3:04CR238-MU
)	UNDER SEAL
v.)	
)	
)	
GREGORY D. SMITH)	
)	

MOTION TO PARTIALLY UNSEAL REDACTED DOCUMENTS

NOW COMES the United States of America, by and through Gretchen C.F. Shappert,
United States Attorney for the Western District of North Carolina, and moves this Court for an
Order unsealing two redacted copies of the Government's Sentencing Memorandum Regarding
Restitution filed with this Court on or about March 21, 2006 in the above-captioned matter and
two redacted copies of Defendant's Response to the United States' Sentencing Memoranda
Regarding Restitution and the Payment of Mandatory Restitution filed with this Court on May 8,
2006 in the above-captioned matter as follows:

On March 21, 2006, the government filed a Sentencing Memorandum Regarding Restitution (hereinafter "Government's Restitution Memorandum") for the above-captioned matter. The Government's Restitution Memorandum details the losses the government believes are attributable to the fraud to which Defendant Smith has pled guilty and sets forth additional claims for victim restitution for the Court's consideration. In its submission, the government provided the Court with materials and discussion related to the claims for losses of Entrust Mortgage and of Mr. James F. Hicks Jr. related to his own losses and to those losses associated with two homeowner associations with which Mr. Hicks is affiliated. On May 8, 2006,

Defendant Smith filed Defendant's Response to the United States' Sentencing Memoranda Regarding Restitution and the Payment of Mandatory Restitution (hereinafter "Defendant's Response") contesting portions of the restitution claims for Entrust Mortgage, Mr. Hicks, and the Homcowner's Associations.

To comply with the Justice For All Act, 18 U.S.C. § 3771, disclosure of those portions of the Government's Restitution Memorandum and the Defense Response which relate to the losses sustained by Entrust Mortgage, Mr. Hicks, and the Homeowner's Associations should be unsealed for the limited purpose of providing the victims the opportunity to review and comment on those pleadings should they choose to do so. The unsealing should be for this limited purpose and should not permit any further dissemination of these pleadings to additional, unidentified parties. The proposed portions of the Government's Restitution Memorandum and the Defense Response that should be disclosed to Entrust Mortgage are attached at Exhibits A and B respectively. The proposed portions of the Government's Restitution Memorandum and the Defense Response that should be disclosed to Mr. Hicks for his claim and the claims on behalf of the Homeowner's Associations are attached at Exhibits C and D respectively.

The undersigned has contacted defense counsel Mr. Robert Blake regarding this matter and Mr. Blake indicated that he has no objection to the partial unsealing of these documents for the limited purpose described herein.

WHEREFORE, in the interest of justice, the government requests this Court to Order the unsealing of (1) the redacted copies of the Government Restitution Memorandum attached hereto at Exhibit A and redacted copies of the Defense Response attached hereto at Exhibit B for the limited purpose of providing to Entrust Mortgage for review and comment; (2) the redacted copies of the Government Restitution Memorandum attached hereto as Exhibit C and redacted

copies of the Defense Response attached hereto at Exhibit D for the limited purpose of providing to Mr. James F. Hicks Jr. for review and comment; and (3) this Motion to Partially Unseal Redacted Documents, to allow the due administration of justice. For all other purposes, the government requests that the original, unredacted, pleadings of the parties remain sealed until further order of this Court.

RESPECTFULLY SUBMITTED, this the 16th day of May, 2006.

GRETCHEN C.F. SHAPPERT UNITED STATES ATTORNEY

Craig D Randall

Assistant United States Attorney

NC Bar Number: 26638

Attorney for the United States

United States Attorney's Office Suite 1700, Carillon Building 227 West Trade Street Charlotte, North Carolina 28202

Telephone: 704.344.6222

Fax: 704.344.6629

E-mail: craig.randall@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May 2006, a copy of the foregoing Motion to

Partially Unseal Redacted Documents was duly served upon the United States Probation Officer

and to defendant through his attorney of record, by depositing copies into the United States mail
to the following addresses:

Cynthia Easley, U.S.P.O. 200 S. College Street, Suite 1650 Charlotte, N.C. 28202-2005 704-350-7628 (fax) Cindy M Easley@ncwp.uscourts.gov

Robert A. Blake Jr. Wyatt & Blake, LLP 435 East Morehead Street Charlotte, NC 28202 Telephone: 704-331-0767

Fax: 704-331-0773

Email: rblake@wyattlaw.net

RAIG D RANDALL

ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO. 3:04CR238-MU
v .)	ORDER TO PARTIALLY UNSEAL REDACTED DOCUMENTS
GREGORY D. SMITH)))	

This matter is before the Court upon motion of the United States to partially unseal certain pleadings associated with the above-captioned case to provide victims the opportunity to review relevant portions of these documents and provide comment should they choose to do so.

Upon consideration of the Government's Motion and for good cause shown, this Court orders the unsealing of the Government's Motion, the partial unsealing of the Government's Restitution Memorandum, and the partial unsealing of the Defense Response to that Memorandum in the above-captioned case. The enclosed redacted copies of the Government's Restitution Memorandum and Defendant's Response attached at Exhibits A and B will serve as the unsealed version of these documents for the limited purpose of disclosure to Entrust Mortgage for review and comment only. The redacted copies of the Government's Restitution Memorandum and Defendant's Response attached at Exhibits C and D will serve as the unsealed version of these documents for the limited purpose of disclosure to James F. Hicks Jr. for review and comment only. This Order does not permit any further dissemination of these documents to any individuals beyond those identified in this Order, to wit: Mr. James F. Hicks Jr. and representatives of Entrust Mortgage. These identified parties will not

in the disseminate the unsealed documents.	The redacted information will remain under seal.
This is the day of May, 2006.	
	C. Mullen tates District Judge